PTO/SB/21 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| are required to respond to a collection | in or information unless it displays a valid ONB condornation |
|---|---|
| Application Number | 09/845,162 |
| Filing Date | May 1, 2001 |
| First Named Inventor | WAHR |
| Art Unit | 3763 |
| Examiner Name | MENDEZ, MANUEL |
| Attorney Docket Number | 891,144-005 |

| - | | | | ·-· |
|---|---|--|-------------------------|---|
| | | ENCLOSURES (Check all that apply |) | · · · · · · · · · · · · · · · · · · · |
| Fee Transn | nittal Form | Drawing(s) | | After Allowance Communication to TC |
| Fee A | Attached | Licensing-related Papers | | Appeal Communication to Board of Appeals and Interferences |
| Amendmen | nt/Reply | Petition | | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| After | Final | Petition to Convert to a Provisional Application | | Proprietary Information |
| Affida | avits/declaration(s) | Power of Attorney, Revocation Change of Correspondence Address | | Status Letter Other Enclosure(s) (please Identify |
| Extension of | of Time Request | Terminal Disclaimer | | below): - Communication Regarding |
| Express Ab | pandonment Request | Request for Refund | | Request for Clarification |
| Information | Disclosure Statement | CD, Number of CD(s) | | - Receipt Verification Postcard |
| Certified Co | opy of Priority | Landscape Table on CD | <u> </u> | |
| Response t | to Missing Parts/ | | | |
| Incomplete | Application | | | |
| _ | ponse to Missing Parts 37 CFR 1.52 or 1.53 | | | |
| under | 37 GFR 1.32 01 1.33 | | | |
| - | SIGNATU | JRE OF APPLICANT, ATTORNEY, O | OR AGE | ENT . |
| Firm Name | O'MELVENY & MYERS | LLP | | |
| | | | | · |
| Signature | Diane K Wy | | | |
| Printed name | Diane K. Wong | | | |
| Date | August 22, 2006 | Re | eg. No. | 54,550 |
| | CEF | RTIFICATE OF TRANSMISSION/MA | ILING | |
| I hereby certify the sufficient postage the date shown be | e as first class mail in an envelo | g facsimile transmitted to the USPTO or deposi pe addressed to: Commissioner for Patents, P | ted with t .O. Box 1 | he United States Postal Service with 450, Alexandria, VA 22313-1450 on |
| Signature | Cimetria | Prochees | | |
| Typed or printed | | | | Date August 22,2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WAHR et al.

Serial No.: 09/845,162

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES AND

RELATED METHODS OF USE

Group Art Unit: 3763

Examiner: MENDEZ, MANUEL

COMMUNICATION REGARDING REQUEST FOR CLARIFICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Request for Clarification dated August 11, 2006, Applicants would like to confirm that only one (1) Request for Continued Examination was submitted on **May 23, 2006**.

On May 23, 2006, Applicants filed, via facsimile, a Petition Under 37 C.F.R. §1.313(c)(2) ("Petition"). A copy of the Petition is attached hereto as **EXHIBIT A**. In the Petition, Applicants advised that a copy of the Request for Continued Examination ("RCE"), attached as Exhibit A and stamped "COPY," was also being filed on May 23, 2006. A copy of the RCE as filed with the USPTO on May 23, 2006 is attached hereto as **EXHIBIT B**. As shown on the stamped receipt verification postcard, the RCE was received in the USPTO on May 26, 2006.

On May 24, 2006, the Office of Petitions mailed its Decision Granting Petition Under 37 CFR 1.313(c)(2) ("Decision"). A copy of the Decision is attached hereto as **EXHIBIT C**.

| CERTIFICATE OF MAILING | (37 C.F.R. | §1.8a) |
|-------------------------------|------------|--------|
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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 22, 2006

Date of Deposit NB1:693415.1 Synthia PSPaclices

The Commissioner is hereby authorized to charge Deposit Account No. 50-2862 for any fees that may be required with this submission.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated:

August 22, 2006

By:

Diane K. Wong

Reg. No. 54,550

Attorneys for Applicants

O'Melveny & Myers LLP 610 Newport Center Drive, 17th Floor Newport Beach, CA 92660-6429 (949) 760-9600

O'MELVENY & MYERS LLP

610 Newport Center Drive, Suite 1700 Newport Beach, CA 92660-6429

> TELEPHONE (949) 760-9600 FACSIMILE (949) 823-6994

FAX TRANSMITTAL

DATE & TIME:

Tuesday, May 23, 2006

FAX NUMBER:

(571) 273-0025

Examiner Manuel Mendez

U.S. Patent Office, Art Unit 3763

TOTAL NUMBER OF PAGES:

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(571) 272-4962

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Diane K. Wong, Reg. No. 54,550

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(949) 737-2300

TELEPHONE NUMBER:

(949) 737-2900

MESSAGE

Re:

Wahr et al.

U.S. Application Serial No. 09/845,162

Attorney Docket No. 891,144-005

Document(s) attached:

Transmittal Form

1 page

Petition under 37 C.F.R. §1.313(C)(2) for Withdrawal from Issue 21 pages

MY 23 PM4:18

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TOTAL NUMBER OF PAGES:

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Examiner Manuel Mendez

(571) 273-0025

U.S. Patent Office, Art Unit 3763

(571) 272-4962

FROM:

RETURN FAX NUMBER;

TELEPHONE NUMBER:

Diane K. Wong, Reg. No. 54,550

(949) 737-2300

(949) 737-2900

MESSAGE

Re:

Wahr et al.

Attorney Docket No. 891,144-005

U.S. Application Serial No. 09/845,162

Document(s) attached:

Transmittal Form

1 page

Petition under 37 C.F.R. §1.313(C)(2) for Withdrawal from Issue 21 pages

Exhibit A

Page 2

12 79 OWN 18

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

09/845,162

May 1, 2001

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Application Number

Filing Date

| FORM Art U | · | WAHR |
|---|---|---|
| Art U | Jnit | 2762 |
| | | 3763 |
| (to be used for all correspondence after initial filing) Exam | miner Name | Manuel Mendez |
| Total Number of Pages in This Submission 22 Attor | rney Docket Number | 891,144-005 |
| ENCLOSUR | RES (Check all that apply) | |
| Fee Transmittal Form Drawing | g(s) | After Allowance Communication to TC |
| Fee Attached Licensin | ng-related Papers | Appeal Communication to Board of Appeals and Interferences |
| Amendment/Reply Petition | | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| | to Convert to a onal Application | Proprietary Information |
| Affidavits/declaration(s) Power o | of Attorney, Revocation of Correspondence Address | Status Letter |
| Extension of Time Request Termina | al Disclaimer | Other Enclosure(s) (please Identify below): with Exhibits A and B |
| Express Abandonment Request Request | t for Refund | With Exhibits A and B |
| | mber of CD(s) | |
| Certified Copy of Priority Document(s) Remarks | andscape Table on CD | |
| Response to Missing Parts/ Incomplete Application | | • |
| Response to Missing Parts | | |
| under 37 CFR 1.52 or 1.53 | | |
| SIGNATURE OF ARR | LICANT ATTORNEY OF | ACCNIT |
| | LICANT, ATTORNEY, OR | AGENT |
| Firm Name O'MELVENY & MYERS LLP | | |
| Signature Diane K. Worl | | |
| Printed name Diane K. Wong | | |
| Date May 23, 2006 | Reg. | No. 54,550 |
| CERTIFICATE | F TRANSMISSION/MAILI | NG |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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American LegalNet, Inc. www.USCourtForms.com

Date

May 23, 2006

the date shown below.

Typed or printed name

Signature

Cynthia B. Pacheco

Patent US 207

Attorney Docket: 891,144-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WAHR et al.

Serial No.: 09/845,162

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES AND RELATED METHODS OF USE

Group Art Unit: 3763

Examiner: MENDEZ, MANUEL A.

PETITION UNDER 37 C.F.R. §1.313(C)(2) FOR WITHDRAWAL FROM ISSUE

SENT VIA FACSIMILE (571) 273-0025

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the above-referenced application from issue as provided by paragraph 37 C.F.R. § 1.313(c)(2). Applicant has submitted the Request for Continued Examination ("RCE"), accompanied by an Information Disclosure Statement, on May 23, 2006. A copy of said RCE and enclosures is attached herewith as Exhibit A.

The issue and publication fees (\$1,000) were paid on October 20, 2005. A copy of the signed Fee Transmittal is attached herewith as Exhibit B. Applicants further request that the previously

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted by facsimile to (571) 273-0025 on the date shown below and addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

May 232006

Date of Deposit NB1:685417.1 Cunthia A Pacheco

Patent US 207

Attorney Docket: 891,144-005

submitted fees be applied toward payment of issue and publications fees in the amount identified on a future Notice of Allowance and Fee(s) Due.

The Commissioner is hereby authorized to charge the petition fee (\$130.00) and any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 23, 2006

By:

D'ane K Wong

Reg. No. 54,550

Attorneys for Applicants

DKW/cp O'MELVENY & MYERS LLP 610 Newport Center Drive, 17th Floor Newport Beach, CA 92660-6429 (949) 760-9600

EXHIBIT A

PTO/SB/30 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

| Request | Application Number | 09/845,162 |
|--|------------------------|-------------------|
| for Continued Examination (RCE) | Filing Date | May 1, 2001 |
| Transmittal | First Named Inventor | WAHR SO |
| Address to: Mail Stop RCE | Art Unit | 3763 |
| Commissioner for Patents P.O. Box 1450 | Examiner Name | MENDEZ, MANUEL A. |
| Alexandria, VA 22313-1450 | Attorney Docket Number | 891,144-005 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

| | nie der Tej en page z. |
|---|---|
| Submission required under 37 CFR 1.114 Note: If the RCE is proper, any amendments enclosed with the RCE will be entered in the order in which they were applicant does not wish to have any previously filed unentered amendment(s) enter amendment(s). | filed unless applicant instructs otherwise. If |
| a. Previously submitted. If a final Office action is outstanding, any amendment considered as a submission even if this box is not checked. | ents filed after the final Office action may be |
| i. Consider the arguments in the Appeal Brief or Reply Brief previous | ly filed on |
| ii. Other | |
| b. Enclosed | |
| i. Amendment/Reply iii. 🔀 Info | ermation Disclosure Statement (IDS) |
| ii. Affidavit(s)/ Declaration(s) iv. other | er |
| 2. Miscellaneous | |
| Suspension of action on the above-identified application is requested under 37 CFR 1 | .103(c) for |
| a. period of months. (Period of suspension shall not exceed 3 months; Fe | |
| b. Other | |
| 3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the Director is hereby authorized to charge the following fees any under Deposit Account No. 50-2862 I have enclosed | payment of fees or credit any overpayments to |
| i. RCE fee required under 37 CFR 1.17(e) | a duplicate copy of this sneet. |
| ii Extension of time fee (37 CFR 1.136 and 1.17) | |
| iii Other | |
| b. Check in the amount of \$ | |
| c. Payment by credit card (Form PTO-2038 enclosed) | |
| WARNING: Information on this form may become public. Credit card information sho card information and authorization on PTO-2038. | uid not be included on this form. Provide credit |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGE | NT REQUIRED |
| Signature Dlane k.wm | Date May 23, 2006 |
| Name (Print/Type) Diane K. Wong | Registration No. 54,550 |
| CERTIFICATE OF MAILING OR TRANSMIS | |
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| Signature Umthia Brachles | |
| Name (Print/Type) Cynthra B. Pacheco | Date May 23, 2006 |
| This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Topparark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS page 150.

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Exhibit A

199 and select option 2.

Patent US 207 Attorney Docket No. 891,144-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WAHR et al.

Serial No.: 09/845,162

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES AND RELATED METHODS OF USE

Group Art Unit: 3763

Examiner: MENDEZ, MANUEL A.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08. Also attached is a copy of an International Search Report for a related application. Please note that the references included in said International Search Report have been cited in Information Disclosure Statement(s) previously submitted.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution

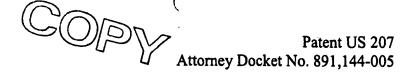
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May 23, 2006 Date of Deposit NB1:680526.1



Cynthia B. Pacheco



mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required. However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below. However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required. This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311. The fee due under 37 CFR § 1.17(p) is submitted herewith. A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance. then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below. This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith. Statement Under 37 CFR § 1.97(e): Each item contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the

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Patent US 207
Attorney Docket No. 891,144-005

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

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| | A check in the amount of \$180.00 is enclosed for the above fee(s). |
| | Please charge \$180.00 to Deposit Account No. 50-2862 for the above fee(s). |
| | The Commissioner is authorized to charge any fees required by the filing of these papers, and |
| to cred | dit any overpayment to O'Melveny and Myers' Deposit Account No. 50-2862. |
| | Respectfully submitted, |
| | O'MELVENY & MYERS LLP |
| Dated | By: Dane K. Wong Reg. No. 54,550 |
| DKW | Attorneys for Applicant |
| 610 No Newpo | LVENY & MYERS LLP ewport Center Drive, 17 th Floor ort Beach, CA 92660-6429 760-9600 |





PATENT COOPERATION TREATY





INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | Applicant's or agent's file reference 8386.3-2304 | | FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. | |
|------|---|---|---|--|
| | International application No. | International filing date (day/month/year) | (Earliest) Priority Date (day/month/year) | |
| | PCT/US 02/28141 | 26/09/2002 | 09/08/2002 | |
| | Applicant VELOCIMED, L.L.C. | | | |
| Dree | This International Search Repo according to Article 18. A copy | ort has been prepared by this International Searching Au is being transmitted to the International Bureau. | thority and is transmitted to the applicant | |
| | | ort consists of a total of | s report. | |
| | 1. Basis of the report | | | |
| | a. With regard to the lang language in which it wa | puage, the international search was carried out on the bats filed, unless otherwise indicated under this item. | asis of the international application in the | |
| | the Internations Authority (Rule | al search was carried out on the basis of a translation of 23.1(b)). | the international application furnished to this | |
| | b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing: contained in the international application in written form. filled together with the international application in computer readable form. furnished subsequently to this Authority in written form. | | | |
| | | | | |
| · | | equently to this Authority in written form. equently to this Authority in computer readble form. | | |
| | the statement ti | hat the subsequently furnished written sequence listing opplication as filed has been furnished. | does not go beyond the disclosure in the | |
| | | hat the information recorded in computer readable form I | is identical to the written sequence listing has been | |
| ł | 2. X Certain claims | were found unsearchable (See Box I). | | |
| | = | ion is lacking (see Box II). | · | |
| | 4. With regard to the title, | 1 | | |
| | | oved as submitted by the applicant. | | |
| | the text has bee | n established by this Authority to read as follows: | | |
| | 5. With regard to the abstract, | | | |
| , | the text has been | ved as submitted by the applicant. n established, according to Rule 38.2(b), by this Authority n from the date of mailing of this international search repo | y as it appears in Box III. The applicant may, | |
| | | be published with the abstract is Figure No. | or submit continents to this Authority. | |
| | as suggested by | | X None of the figures. | |
| ı | because the appl | ficant failed to suggest a figure. | [Table of the light of | |
| l l | | • | | |

Page 11



| Box I | Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet) |
|-----------|--|
| This inte | rnational Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: |
| 1. X | Claims Nos.: 89-118,140-143,147-153,155-158 because they relate to subject matter not required to be searched by this Authority, namely: Rule 39.1(iv) PCT - Method for treatment of the human or animal body by |
| | surgery |
| 2. | Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically: |
| з. 🗌 | Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a). |
| Box II | Observations where unity of invention is lacking (Continuation of item 2 of first sheet) |
| This Inte | rnational Searching Authority found multiple inventions in this international application, as follows: |
| | see additional sheet |
| 1. | As all required additional search fees were timely paid by the applicant, this international Search Report covers all searchable claims. |
| 2. | As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee. |
| з | As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.: |
| | |
| 4 X | No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-23,144 |
| Remark | on Protest The additional search fees were accompanied by the applicant's protest. |
| | No protest accompanied the payment of additional search fees. |

COPY

International Application No. PCT/US 02/28141

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-23,144

Evacuation sheath assembly comprising three lumens, first and second sealing surfaces and a shaft.

2. claims: 24-42

Evacuation sheath assembly with a distal sealing surface including a proximal cone portion and a distal cone portion

3. claims: 43,44

Evacuation sheath assembly wherein the proximal end of the evacuation lumen is angled and includes a reverse bevel portion

4. claims: 45-58

Evacuation sheath assembly wherein the open proximal end of the evacuation lumen includes a structure to reinforce the proximal opening of the elongated tube

5. claims: 59-64,123-125

Evacuation sheath assembly with a kink-resistant coil and a marker band

6. claims: 65,66

Evacuation sheath assembly wherein the distal sealing surface extends distally beyond the distal end of the evacuation lumen

7. claims: 67-88

Combination for isolating fluid communication between a blood vessel and a catheter with a three-arm adaptor

8. claims: 119-122,128-136

Evacuation sheath assembly with a elongate hollow member wherein the proximal end is flared



International Application No. PCT/US 02/28141

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

9. claims: 126,127 aims: 126,127

Combination for isolating fluid communication between a blood vessel and a catheter with an obturator between a

---atheter with an obturator

10. claims: 137-139 laims: 137-139

Combination for isolating fluid communication between a blood vessel and a catheter with an obturator wherein the distal end includes a balloonith an obturator wherein the

---a balloon

11. claims: 145,146,154 laims: 145,146,154

Combination for isolating fluid communication between a blood vessel and a catheter with an infusion catheter a ---atheter with an infusion catheter



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International Application No. PCT/US 02/28141

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Claims Nos.: 89-118,140-143,147-153,155-158

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. if the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be revercome.



A CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61B17/12 A61M25/10

C. DOCUMENTS CONSIDERED TO BE RELEVANT

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61B A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| X | US 6 423 032 B2 (PARODI JUAN CARLOS) 23 July 2002 (2002-07-23) | 1-4 |
|)h_~ | column 9, line 23 - line 65; figures 6A,6B | 5-12,14 |
| Y) | US 5 108 414 A (ENDERLE JOYCE A ET AL) 28 April 1992 (1992-04-28) figure 3 | 5-12 |
| A | inguie 3 | 13 |
| Y | US 2001 037085 A1 (EUTENEUER CHARLES L ET AL) 1 November 2001 (2001-11-01) page 50, paragraph 5; figure 4 | 14 |
| A | US 5 453 099 A (KARAKELLE MUTLU ET AL) 26 September 1995 (1995-09-26) column 3, line 30 - line 36; figure 4 | 16 |
| | -/ | |

| ΙX | ΧI | Further documents are | iisted in the | continuation of | DOX C. |
|-----|----|-----------------------|---------------|-----------------|--------|
| 1 8 | ΧI | Further documents are | SIDO IN CIA | CONTINUESTON OF | COX |

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Date of mailing of the international search report

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Date of the actual completion of the international search

7 April 2003

10, 09, 2003

Name and mailing address of the ISA

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II ... NATIONAL SEARCH REPORT

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | | | |
|--|--|-----------------------|--|--|
| itagory * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. | | |
| | WO 00 44429 A (MICRO THERAPEUTICS INC) 3 August 2000 (2000-08-03) page 5, line 17 - page 6, line 15; figure 2 | 20,22 | | |
| | US 2002 022859 A1 (HOGENDIJK MICHAEL) 21 February 2002 (2002-02-21) figure 2C | 1,3 | | |
| | US 6 398 773 B1 (BAGAOISAN CELSO J ET AL) 4 June 2002 (2002-06-04) column 8, line 52 - column 9, line 29; figures 5-7B | 1 | | |
| | US 6 126 635 A (SIMPSON JOHN B ET AL) 3 October 2000 (2000-10-03) the whole document | 1 | | |
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International Application No

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|-----|--|------|------------------|--|---|--|
| | Patent document cited in search report | | Publication date | | Patent family member(s) | Publication date |
| | US 6423032 | B2 | 22-11-2001 | US US AU CA EP US US US US US US US US US US US US US | 6206868 B1 2001044598 A1 5738900 A 2380350 A1 1210142 A2 2003521286 T 0076390 A2 2002151922 A1 2002173815 A1 2002107479 A1 2002022859 A1 2002087119 A1 3084599 A 1061846 A2 6413235 B1 9945835 A2 6540712 B1 6582396 B1 | 27-03-2001 22-11-2001 02-01-2001 21-12-2000 05-06-2002 15-07-2003 21-12-2000 17-10-2002 21-11-2002 30-01-2003 08-08-2002 21-02-2002 04-07-2002 27-09-1999 27-12-2000 02-07-2002 16-09-1999 01-04-2003 24-06-2003 |
| | US 5108414 | A | 28-04-1992 | US | 5078725 A | 07-01-1992 |
| COP | US 2001037085 | A1 | 01-11-2001 | US US US US US DE DE DE DE DE EP US US US US US US US DE DE DE US US US US US US US US US US US US US | 6273879 B1 5762439 A 5522818 A 5395334 A 5217482 A 5156594 A 2089493 A1 9117207 U1 69129418 D1 69129418 T2 69133247 D1 591199 T1 821981 T1 1234594 A2 0591199 A1 0821981 A2 2933389 B2 6566124 T 6004291 A 9203178 A1 5425711 A 5376616 A 5395332 A 5658251 A 5720724 A | 14-08-2001 30-12-1997 04-06-1996 07-03-1995 08-06-1993 20-10-1992 01-03-1992 10-04-1997 02-07-1998 26-11-1998 05-06-2003 03-11-1994 22-10-1998 28-08-2002 13-04-1994 04-02-1998 09-08-1999 14-07-1994 21-12-1999 05-03-1992 20-06-1995 06-12-1994 07-03-1995 19-08-1997 24-02-1998 |
| | US 5453099 | A | 26-09-1995 | US AT AU CA DE DE EP ES | 5226899 A 123231 T 631949 B2 6792390 A 2031805 A1 69019816 D1 69019816 T2 0448886 A1 2075175 T3 904406 A1 | 13-07-1993 15-06-1995 10-12-1992 03-10-1991 27-09-1991 06-07-1995 11-01-1996 02-10-1991 01-10-1995 09-10-1991 |
| Ĺ | '0 (patent family annex) (July 1 | 1000 | \sim | 76 | | |

Y NATIONAL SEARCH REPORT

Information on patent family members

Int...ational Application No

PCT/US 02/28141

| | | | | | | 01/03 | 00/20141 |
|------|----------------------------------|----|------------------|--|---|--|--|
| | ent document in search report | | Publication date | | Patent family member(s) | | Publication date |
| US | 5453099 | A | | JP JP JP NZ | 2096874 4221571 8011129 236404 | A B | 02-10-1996 12-08-1992 07-02-1996 23-12-1992 |
| WO . | 0044429 | A | 03-08-2000 | AU CA EP JP WO US | 3355300 2346823 1148909 2002535097 0044429 6544217 | A1 A1 T A1 | 18-08-2000 03-08-2000 31-10-2001 22-10-2002 03-08-2000 08-04-2003 |
| US | 2002022859 | A1 | 21-02-2002 | US US WO AU EP US US US US US AU CA EP JP | 2001044598 6206868 03009880 3084599 1061846 2002151922 2002173815 2003023204 6540712 6582396 2002107479 2002087119 5738900 2380350 1210142 2003521286 0076390 | B1 A2 A A2 A1 A1 B1 B1 A1 A1 A1 A2 T | 22-11-2001 27-03-2001 06-02-2003 27-09-1999 27-12-2000 17-10-2002 21-11-2002 30-01-2003 01-04-2003 24-06-2003 08-08-2002 04-07-2002 02-01-2001 21-12-2000 05-06-2002 15-07-2003 21-12-2000 |
| | 6398773 | B1 | 04-06-2002 | US AU | 6152909 5833644 6347798 1011775 9839047 6450198 9838930 2002035347 6688398 2322876 2002062119 6135991 9838929 2003055398 2003055398 2003069146 6454741 3071797 3071897 3132097 2255684 0904125 0906135 2001508670 2001517970 2000511082 2002133117 2002052638 | A A A A A A A A A A A A A A A A A A A | 28-11-2000 10-11-1998 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 07-04-1999 03-07-2001 09-10-2001 29-08-2000 19-09-2002 02-05-2002 |

(ATIONAL SEARCH REPORT (Intel

Information on patent family members

Intel Julia Application No PCT/US 02/28141

| | | | | | i | • | |
|-----|---------------------------------|----|------------------|----------|-------------------------|----------|--------------------------|
| | ent document n search report | | Publication date | , | Patent family member(s) | | . Publication date |
| US | 5398773 | B1 | | US | 6312407 2002091407 | | 06-11-2001 11-07-2002 |
| | | | | US | 6355014 | | 12-03-2002 |
| | | | | US | 6544276 | | 08-04-2003 |
| • | | | | WO | 9744082 | | 27-11-1997 |
| | | | | WO | 9744084 | | 27-11-1997 |
| | | | • | WO | 9744085 | A2 | 27-11-1997 |
| | | | | US | 6464816 | | 15-10-2002 |
| | | | | US | 6325777 | | 04-12-2001 |
| ł | | | | US | 6325778 | | 04-12-2001 |
| i | | | | US | 6500166 | | 31-12-2002 |
| | | | | US | 2002065507 | | 30-05-2002 07-03-2002 |
| } | | | | US | 2002029031 5868705 | | 09-02-1999 |
| | | | | US US | 6022336 | | 08-02-2000 |
| ł | | | | US | 6270477 | | 07-08-2001 |
| | | | | US | 6050972 | | 18-04-2000 |
| | | | , | | | - ^\ | |
| IIS | 6126635 | A | 03-10-2000 | US | 5462529 | 9 A | 31-10-1995 |
| 33 | 0120000 | •• | | ΑU | 7846694 | | 18-04-1995 |
| | | | | WO | 9509024 | 4 A1 | 06-04-1995 |
| 1 | | | | | | | |



U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449A-PTO Application No. 09/845.162 May 1, 2001 Filing Date INFORMATION DISCLOSURE First Named Inventor WAHR STATEMENT BY APPLICANT **Art Unit** 6763 **Examiner Name** M. Mendez (Use as many sheets as necessary) Sheet 2 Attorney Docket No. 891,144-005

| | U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-----------------------|---|--------------------------------|--|--|--|--|--|
| Examiner Initials* | Cite No.1 | Document No. Number-Kind Code ^{2 (ff known)} | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | | |
| | 1. | us-20020177800 | 11/2002 | Bagaoisan | | | | |
| | 2. | us-20040054347 | 03/2004 | Zadno-Azizi | | | | |
| | 3. | us-20040064092 | 04/2004 | Tsugita | | | | |
| | 4. | us-20040092869 | 05/2004 | Venturelli | | | | |
| | 5. | us-20040127885 | 07/2004 | Barbut | | | | |
| | 6. | us-20040193099 | 09/2004 | MacMahon | | | | |
| | 7. | us-20040260239 | 12/2004 | Kusleika | <u> </u> | | | |
| | 8. | us-5,536,242 | 07/1996 | Willard | | | | |
| | 9. | us-5,779,721 | 07/1998 | Nash | | | | |
| 7 | 10. | us-5,879,361 | 03/1999 | Nash | | | | |
| | 11 . | us-5,938,672 | 08/1999 | Nash | | | | |
| <u> </u> | 112~ | us-5,997,558 | 12/1999 | Nash | | | | |
| | //3. | us-6,080,170 | 06/2000 | Nash | | | | |
| | 14. | us-6,524,323 | 02/2003 | Nash | | | | |
| | 15. | นร-6,569,147 | 05/2003 | Evans | | | | |
| | 16. | us-6,635,029 | 10/2003 | Venturelli | | | | |
| | . 17. | us-6,652,546 | 11/2003 | Nash | | | | |
| | 18. | us-6,712,806 | 03/2004 | St. Germain | | | | |
| | - 19. | us-6,733,474 | 05/2004 | Kusleika | | | | |
| | 20. | us-6,743,196 | 06/2004 | Barbut | | | | |
| | 21. | us-6,786,888 | 09/2004 | Zadno-Azizi | | | | |
| | 22. | us-6,790,204 | 09/2004 | Zadno-Azizi | | | | |
| | 23. | us-6,805,692 | 10/2004 | Muni | | | | |
| | 24. | us-6,827,701 | 12/2004 | MacMahon | | | | |
| | 25. | us-6,830,577 | 12/2004 | Nash | | | | |
| | 26. | us-6,843,797 | 1/2005 | Nash | | | | |
| | 27. | us-6,905,505 | 06/2005 | Nash | | | | |

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| Sı | Substitute for form 1449A-PTO | | | Application No. | 09/845,162 | (O)D | | |
| | | VIC. | N OSUBE | Filing Date | May 1, 2001 | | | |
| | ORMATION D ATEMENT BY | | | First Named Inventor | WAHR | | | |
| SIF | AIEMENI BY | Ar | FLICANI | Art Unit | 6763 | | | |
| , | (Use as many sheets | as nec | essary) | Examiner Name | M. Mendez | | | |
| Sheet | 2 | of | 2 | Attorney Docket No. | 891,144-005 | | | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|--------------|--|--|--|--|--|--|
| Examiner Initials* | Cite No.1 | Document No. Number-Kind Code ^{2 (If known)} | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | |
| | 28. | us-6,936,056 | 08/2005 | Nash | | | |
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| F(1584PLICATION NO. | FILINGOQAGE OP | | Dennis W. W | | 08386.0003 | 2628 |
| 09/845,162 TITLE OF INVENTION: EN | 05/01/2001 MBOLI PROTECTION DEVI | | | | | |
| APPLN, TYPE | SMALL ENTITY | ISSUE FEE | | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
| nonprovisional | YES | \$70041 | ,400 | \$300 | S1000\$1700. | 12/21/2005 |
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| MENDEZ, N | IANUEL A | 3763 | | 604-509000 | _ | |
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| . Authorized Signature | Elizabeth 9 | Broke | | Date | 0/20/05 | · · · · · · · · · · · · · · · · · · · |
| Typed or printed name _ | Elizabeth Burk | е | | Registrati | on No. <u>38,758</u> | |
| an application. Confidential submitting the completed ap this form and/or suggestions Box 1450, Alexandria, Virg Alexandria, Virginia 22313- | ity is governed by 35 U.S.C. pplication form to the USPTC for reducing this burden, she inia 22313-1450. DO NOT S 1450. | 122 and 37 CFR 1.14 D. Time will vary depoil to the Clean FEES OR COME. | ocnding upon hief Informati | the individual case. Any on Officer, U.S. Patent as DRMS TO THIS ADDRE | y the public which is to file (a 2 minutes to complete, includ comments on the amount of at Trademark Office, U.S. De ESS. SEND TO: Commissione | ing gathering, preparing at time you require to comple partment of Commerce, P.G. r for Patents, P.O. Box 145 |
| Under the Paperwork Reduc | tion Act of 1995, no persons | are required to respor | nd to a collect | ion of information unless | it displays a valid OMB contro | ol number. |
| PTO1 -85 (Rev. 07/05) App | roved for use through 04/30/2 | 2007. | OMB 0651-0 | 033 U.S. Patent and T | rademark Office; U.S. DEPA | RTMENT OF COMMERC |

Exhibit A Page 24

Applicant: WAHR et al. Serial No.: 09/845,162

WAHR et al. Attorney: JCK/DKW 09/845,162 Docket No.: 891,144-005 EMBOLI PROTECT:ON DEVICES AND RELATED METHODS OF USE

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

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For:

- 1. Request for Continued Examination (RCE) Transmittal (in duplicate)
- 2. Information Disclosure Statement
- 3. PTO Form-SB/08 (2 pages) with a copy of one (1) International Search Rpt.
- 4. Receipt verification postcard

Date of Deposit: May 23, 2006 First Class mail NB1:685418.1

Applicant: WAHR et al. Serial No.: 09/845,162

WAHR et al.

09/845,162

EMBOLI PROTECTION DEVICES AND RELATED METHODS OF USE

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- 2. Information Disclosure Statement
- 3. PTO Form-SB/08 (2 pages) with a copy of one (1) International Search Rpt.
- 4. Receipt verification postcard

Date of Deposit: May 23, 2006 First Class mail

NB1:685418.1



PTO/SB/30 (04-05) Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request 09/845,162 **Application Number** for May 1, 2001 Filing Date Continued Examination (RCE) WAHR **Transmittal** First Named Inventor Address to: 3763 **Art Unit** Mail Stop RCE MENDEZ, MANUEL A. Commissioner for Patents **Examiner Name** P.O. Box 1450 891,144-005 Attorney Docket Number Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 CFR 1 .114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

| Submission required under 37 CFR 1.114 Note: If the RCE is proper, any amendments enclosed with the RCE will be entered in the order in which they were applicant does not wish to have any previously filed unentered amendment(s) enter amendment(s). | e filed unless applicant instructs otherwise. If | | | | | |
|---|---|--------|--|--|--|--|
| Previously submitted. If a final Office action is outstanding, any amendment considered as a submission even if this box is not checked. | nents filed after the final Office action may be | | | | | |
| i. Consider the arguments in the Appeal Brief or Reply Brief previous ii. Other | isly filed on | | | | | |
| b. Enclosed | | | | | | |
| | formation Disclosure Statement (IDS) | | | | | |
| 2. Miscellaneous | | | | | | |
| Suspension of action on the above-identified application is requested under 37 CFR a. period of months. (Period of suspension shall not exceed 3 months; Fr b. Other | Fee under 37 CFR 1.17(i) required) | | | | | |
| The Director is hereby authorized to charge the following fees any under a. Deposit Account No. 50-2862 i. RCE fee required under 37 CFR 1.17(e) ii Extension of time fee (37 CFR 1.136 and 1.17) | The Director is hereby authorized to charge the following fees any underpayment of fees or credit any overpayments to a. Deposit Account No. 50-2862 i. RCE fee required under 37 CFR 1.17(e) | | | | | |
| iii U Other | | | | | | |
| | closed | | | | | |
| c Payment by credit card (Form PTO-2038 enclosed) WARNING: Information on this form may become public. Credit card information sho card information and authorization on PTO-2038. | nould not be included on this form. Provide | credit | | | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGE | ENT REQUIRED | | | | | |
| Signature Dlane k.w. | Date May 23, 2006 | | | | | |
| Name (Print/Type) Diane K. Wong | Registration No. 54,550 | | | | | |
| CERTIFICATE OF MAILING OR TRANSMIS | · · · · · · · · · · · · · · · · · · · | | | | | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient paddressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsing Office on the date shown belowy | | | | | | |
| Signature Uputhia PSPacheco | | | | | | |
| Name (Print/Type) Cynthia B. Pacheco | Date May 23, 2006 | | | | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 3763

WAHR et al.

Examiner: MENDEZ, MANUEL A.

Serial No.: 09/845,162

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES AND RELATED METHODS OF USE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08. Also attached is a copy of an International Search Report for a related application. Please note that the references included in said International Search Report have been cited in Information Disclosure Statement(s) previously submitted.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

| \boxtimes | This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is |
|-------------|---|
| (1) w | ithin three months of the filing date of the application, which is not a continued prosecution |

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

May 23, 2006

Date of Deposit NB1:680526.1 Cynthia B. Pacheco

| in 37 CFR | filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the a first Office action after filing a request for continued examination under § 1.114. Thus, quired. |
|---------------|---|
| | However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below. |
| | However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required. |
| action on the | s IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office ne merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance FR § 1.311. The fee due under 37 CFR § 1.17(p) is submitted herewith. |
| | A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below. |
| CFR § 1.11 | IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 as or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. It under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is increwith. |
| | Statement Under 37 CFR § 1.97(e): |
| ☐ Eac | h item contained in this IDS was first cited in a communication from a foreign patent |
| | counterpart foreign application not more than three months prior to the filing of this IDS. |
| | item contained in this IDS was cited in a communication from a foreign patent office in a |
| | foreign application, and, to the knowledge of the person signing this statement after |
| | sonable inquiry, no item of information contained in this IDS was known to any |
| individual (| designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS. |

NB1:680526.1

Patent US 207 Attorney Docket No. 891,144-005

| | TATMENT AND/OR AUTHORIZATIO | JN 10 CHARGE PEES. | | | | | | |
|---------------|---|---|--|--|--|--|--|--|
| | A check in the amount of \$180.00 is enclosed for the above fee(s). | | | | | | | |
| | Please charge\$180.00 to Deposit Account No. 50-2862 for the above fee(s). | | | | | | | |
| | The Commissioner is authorized to charge any fe | es required by the filing of these papers, and | | | | | | |
| to cred | dit any overpayment to O'Melveny and Myers' Dep | posit Account No. 50-2862. | | | | | | |
| | | Respectfully submitted, | | | | | | |
| | | O'MELVENY & MYERS LLP | | | | | | |
| Dated | : <u>May 23, 2006</u> By: | Diane K. Wong Reg. No. 54,550 Attorneys for Applicant | | | | | | |
| DKW | | | | | | | | |
| 610 N Newp | ELVENY & MYERS LLP ewport Center Drive, 17 th Floor ort Beach, CA 92660-6429 760-9600 | | | | | | | |

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| Applicant's or agent's file reference | FOR FURTHER See Notification (Form PCT/ISA) | of Transmittal of International Search Report 220) as well as, where applicable, item 5 below. |
|--|---|---|
| nternational application No. | International filing date (day/month/year) | (Earliest) Priority Date (day/month/year) |
| PCT/US 02/28141 | 26/09/2002 | 09/08/2002 |
| oplicant | 20/03/2002 | 03/08/2002 |
| ppica it | | |
| /ELOCIMED, L.L.C. | • | |
| ELUCIMED, L. L. C. | | |
| This International Search Report has be according to Article 18. A copy is being | sen prepared by this international Searching Au transmitted to the International Bureau. | thority and is transmitted to the applicant |
| | | |
| This International Search Report consist | | |
| It is also accompanied | by a copy of each prior art document cited in this | s report. |
| 1. Basis of the report | | |
| | ne international search was carried out on the ba | sis of the international application in the |
| language in which it was filed, i | unless otherwise indicated under this item. | |
| the international search Authority (Rule 23.1(b)) | n was carried out on the basis of a translation of h. | the international application furnished to this |
| * ' ' ' | | nternational application, the international search |
| was carried out on the basis of | the sequence listing: | |
| | ttional application in written form. nternational application in computer readable for | |
| | to this Authority in written form. | m. |
| | to this Authority in computer readble form. | |
| | subsequently furnished written sequence listing | does not go beyond the disclosure in the |
| international application | n as filed has been furnished. | - , |
| the statement that the i | nformation recorded in computer readable form | is identical to the written sequence listing has been |
| 2. X Certain claims were fo | ound unsearchable (See Box I). | |
| 3. X Unity of invention is l | acking (see Box II). | |
| _ | | |
| With regard to the title, | | |
| 二 二 " | submitted by the applicant. | |
| the text has been estab | lished by this Authority to read as follows: | |
| | | |
| | | |
| 5. With regard to the abstract, | | |
| | submitted by the applicant. | |
| the text has been estab | lished, according to Rule 38.2(b), by this Authori | ty as it appears in Box III. The applicant may, |
| | he date of mailing of this international search rep | orn, submit comments to this Authority. |
| The figure of the drawings to be pu | blished with the abstract is Figure No. | 770 |
| as suggested by the app | | None of the figures. |
| because the applicant fa | | |
| because this figure bette | er characterizes the invention. | |

International application No. PCT/US 02/28141

INTERNATIONAL SEARCH REPORT

| Box I | Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet) |
|-----------|--|
| This Inte | rnational Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: |
| 1. X | Claims Nos.: 89-118, 146-143, 147-153, 155-158 because they relate to subject matter not required to be searched by this Authority, namely: |
| | Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery |
| 2. | Claims Nos.: because they relate to parts of the international Application that do not comply with the prescribed requirements to such an extent that no meaningful international Search can be carried out, specifically: |
| | |
| з. 🗌 | Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a). |
| Box II | Observations where unity of invention is lacking (Continuation of item 2 of first sheet) |
| This Int | ernational Searching Authority found multiple inventions in this international application, as follows: |
| | see additional sheet |
| 1. | As all required additional search fees were timely paid by the applicant, this international Search Report covers all searchable claims. |
| 2. | As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee. |
| 3. | As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.: |
| 4. X | No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-23,144 |
| Remari | The additional search fees were accompanied by the applicant's protest. No protest accompanied the payment of additional search fees. |
| | |

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-23,144

Evacuation sheath assembly comprising three lumens, first and second sealing surfaces and a shaft.

2. claims: 24-42

Evacuation sheath assembly with a distal sealing surface including a proximal cone portion and a distal cone portion

3. claims: 43,44

Evacuation sheath assembly wherein the proximal end of the evacuation lumen is angled and includes a reverse bevel portion

4. claims: 45-58

Evacuation sheath assembly wherein the open proximal end of the evacuation lumen includes a structure to reinforce the proximal opening of the elongated tube

5. claims: 59-64,123-125

Evacuation sheath assembly with a kink-resistant coil and a marker band

6. claims: 65,66

Evacuation sheath assembly wherein the distal sealing surface extends distally beyond the distal end of the evacuation lumen

7. claims: 67-88

Combination for isolating fluid communication between a blood vessel and a catheter with a three-arm adaptor

8. claims: 119-122,128-136

Evacuation sheath assembly with a elongate hollow member wherein the proximal end is flared

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

9. claims: 126,127 aims: 126,127

Combination for isolating fluid communication between a blood vessel and a catheter with an obturator between a

--- atheter with an obturator

10. claims: 137-139 laims: 137-139

Combination for isolating fluid communication between a blood vessel and a catheter with an obturator wherein the distal end includes a balloonith an obturator wherein the

---a balloon

11. claims: 145,146,154 laims: 145,146,154

Combination for isolating fluid communication between a blood vessel and a catheter with an infusion catheter a ---atheter with an infusion catheter

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Claims Nos.: 89-118,140-143,147-153,155-158

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. if the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

I(.ANATIONAL SEARCH REPORT

International Application No PCT/US 02/28141

A CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61B17/12 A61M25/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61B A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| х | US 6 423 032 B2 (PARODI JUAN CARLOS) 23 July 2002 (2002-07-23) | 1-4 |
| Y | column 9, line 23 - line 65; figures 6A,6B | 5-12,14 |
| Y | US 5 108 414 A (ENDERLE JOYCE A ET AL) 28 April 1992 (1992-04-28) figure 3 | 5-12 |
| A | rigure 5 | 13 |
| Υ | US 2001 037085 A1 (EUTENEUER CHARLES L ET AL) 1 November 2001 (2001-11-01) page 50, paragraph 5; figure 4 | 14 |
| A | US 5 453 099 A (KARAKELLE MUTLU ET AL) 26 September 1995 (1995-09-26) column 3, line 30 - line 36; figure 4 | 16 |
| | -/ | |

| Further documents are listed in the continuation of box C. | Patent family members are listed in annex. |
|--|--|
| Special categories of cited documents: A document defining the general state of the art which is not considered to be of particular relevance. | "T" later document published after the international filing date or priority date and not in conflict with the application but clited to understand the principle or theory underlying the invention |
| "E" earlier document but published on or after the international filling date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "A" document member of the same patent family |
| Date of the actual completion of the international search | Date of mailing of the international search report 1 0 09 2003 |
| 7 April 2003 Name and mailing address of the ISA | Authorized officer |
| European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016 | Ducreau F. |

II(... (NATIONAL SEARCH REPORT

PCT/US 02/28141

| (Carda: | MAN DOCUMENTS CONSIDERED TO BE PELEVANT | PC1/US 02 | ., |
|------------------------|--|-------------|-----------------------|
| (Continua ategory * | ation) DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages | | Relevant to claim No. |
| | WO 00 44429 A (MICRO THERAPEUTICS INC) 3 August 2000 (2000-08-03) page 5, line 17 - page 6, line 15; figure | | 20,22 |
| 1 | 2 US 2002 022859 A1 (HOGENDIJK MICHAEL) 21 February 2002 (2002-02-21) figure 2C | | 1,3 |
| ١ | US 6 398 773 B1 (BAGAOISAN CELSO J ET AL) 4 June 2002 (2002-06-04) column 8, line 52 - column 9, line 29; figures 5-78 | | 1 |
| A | US 6 126 635 A (SIMPSON JOHN B ET AL) 3 October 2000 (2000-10-03) the whole document | | 1 |
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Exhibit B
Page 12

O (continuation of second sheet) (July 1992)

NATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/US 02/28141

| | | | | | . 0., 00 | 02/20141 |
|--|----|---------------------|--|---|---|--|
| Patent document cited in search report | | Publication date | | Patent family member(s) | | Publication date |
| US 6423032 | B2 | 22-11-2001 | US US AU EP US US US AU EP US | 620686 200104459 573890 238035 121014 200352128 007639 200215192 200217381 200302320 200210747 200202285 200208711 308459 106184 641323 994583 654071 | 8 A1 0 A1 2 A2 6 A2 6 A2 2 A1 4 A1 9 A1 9 A1 9 A2 5 B1 5 B2 2 B1 | 27-03-2001 22-11-2001 02-01-2001 21-12-2000 05-06-2002 15-07-2003 21-12-2000 17-10-2002 21-11-2002 30-01-2003 08-08-2002 21-02-2002 04-07-2002 27-09-1999 27-12-2000 02-07-2002 16-09-1999 01-04-2003 24-06-2003 |
| US 5108414 | Α | 28-04-1992 | US US | 658239 507 8 72 | | 24-06-2003 07-01-1992 |
| US 2001037085 | A1 | 01-11-2001 | US US US US US DE DE DE DE EPP US US US US US US US US DE DE EPP US US US US US US US US US US US US US | 627387 570243 570243 552281 539533 521748 515659 208949 911726 6912941 6912941 6913324 59119 82198 123459 059119 082198 293338 650612 600429 920317 542571 537061 539533 565825 572072 | 9 A 8 A 4 A 24 A 37 U1 13 T1 14 A1 17 A1 18 A1 | 14-08-2001 30-12-1997 04-06-1996 07-03-1995 08-06-1993 20-10-1992 01-03-1992 10-04-1997 02-07-1998 26-11-1998 05-06-2003 03-11-1994 22-10-1998 28-08-2002 13-04-1994 04-02-1998 09-08-1999 14-07-1994 21-12-1999 05-03-1992 20-06-1995 06-12-1994 07-03-1995 19-08-1997 24-02-1998 |
| US 5453099 | A | 26-09-1995 | US AT AU CA DE DE EP ES IE | 522689 12323 63194 679239 203180 6901981 6901981 044888 207517 | 1 T 9 B2 0 A 5 A1 6 D1 6 T2 6 A1 5 T3 | 13-07-1993 15-06-1995 10-12-1992 03-10-1991 27-09-1991 06-07-1995 11-01-1996 02-10-1991 01-10-1995 |

INATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/US 02/28141

| | | | | <u>'</u> | |
|---------------------------------------|------------|------------------|--|--|--|
| Patent documer cited in search rep | it jort | Publication date | | Patent family member(s) | Publication date |
| US 5453099 | A | | JP | 2096874 C | 02-10-1996 |
| 00 0 100000 | •• | | JP | 4221571 A | 12-08-1992 |
| | | | JP | 8011129 B | 07-02-1996 |
| | | | NZ | 236404 A | 23-12-1992 |
| WO 0044429 | A | 03-08-2000 | AU | 3355300 A | 18-08-2000 |
| | | | CA | 2346823 A1 | 93-98-2999 |
| | | | EP | 1148909 A1 | 31-10-2001 |
| | | | JP | 2002535097 T | 22-10-2002 |
| | | | WO | 0044429 A1 | |
| | | | US | 6544217 B1 | 08-04-2003 |
| US 2002022 | 859 A1 | 21-02-2002 | US | 2001044598 A1 | |
| | • | | US | 6296868 B1 | |
| | | | WO | 03009880 A2 | |
| | | | AU | 3084599 A | 27-09-1999 27-12-2000 |
| | | | EP US | 1061846 A2 2002151922 A1 | |
| | | | US | 2002131922 A1 2002173815 A1 | |
| | | | US | 2002173013 A1 | |
| | | | US | 6540712 B1 | |
| | | • • | ÜS | 6582396 B1 | |
| | | | ÜS | 2002107479 A1 | |
| | | | US | 2002087119 A1 | |
| | | • | AU | 5738900 A | 02-01-2001 |
| | | | CA | 2380350 A1 | |
| | | | EΡ | 1210142 A2 | |
| | | | JP WO | 2003521286 T 0076390 A2 | 15-07-2003 21-12-2000 |
| | B1 | 04-06-2002 | US | 61529 09 A | 28-11-2000 |
| 115 6398773 | - | 0. 00 2002 | | | |
| US 6398773 | | | US | 5833644 A | 10-11-1998 |
| US 6398773 | | | US Au | 5833644 A 6347798 A | 22-09-1998 |
| | | | AU Ep | 6347798 A 1011775 A1 | 22-09-1998 28-06-2000 |
| | | | AU EP WO | 6347798 A 1011775 A1 9839047 A1 | 22-09-1998 28-06-2000 11-09-1998 |
| | | | AU EP WO AU | 6347798 A 1011775 A1 9839047 A1 6450198 A | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 |
| | | | AU EP WO AU WO | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 |
| | | | AU EP WO AU WO US | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 |
| | | · | AU EP WO AU WO US AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 |
| | | | AU EP WO AU WO US AU CA | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 |
| | | | AU EP WO AU WO US AU CA US | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 |
| | | | AU EP WO AU WO US AU CA | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 |
| | | | AU EP WO AU WO US AU CA US WO US | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 |
| | | | AU EP WO AU WO US AU CA US WO US | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 |
| | | | AU EP WO AU WO US AU CA US US US US US | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003099146 A1 6454741 B1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 |
| | | | AU EP WO AU WO US US US US US AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 |
| | | | AU EP WO AU US AU US US US US AU AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 |
| | | | AU EP WO AU WO US US US US US AU AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 |
| | | | AU EP WO US AU US US US US AU AU CA | 6347798 A 1911775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 27-11-1997 |
| | | | AU EP WO US AU US US US US AU AU CA EP | 6347798 A 1911775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 27-11-1997 31-03-1999 |
| | | | AU EP WO US AU US US US US AU AU AC EP EP | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 0901392 A2 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 |
| | | | AU EP WO US AU US AU AU CEP EP EP | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 0901392 A2 | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 07-04-1999 |
| | | | AU EP WO US AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 0901392 A2 0906135 A2 2001508670 T | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 07-04-1999 03-07-2001 |
| | | | AU EPO AUO US AU US AU A CAP EPP PD JP | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003099146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 0906135 A2 2001508670 T 2001517970 T | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 07-04-1999 03-07-2001 09-10-2001 |
| | | | AU EP WO US AU | 6347798 A 1011775 A1 9839047 A1 6450198 A 9838930 A1 2002035347 A1 6688398 A 2322876 A1 2002062119 A1 6135991 A 9838929 A1 2003055398 A1 2003055398 A1 2003069146 A1 6454741 B1 3071797 A 3071897 A 3132097 A 2255684 A1 0904125 A2 0901392 A2 0906135 A2 2001508670 T | 22-09-1998 28-06-2000 11-09-1998 22-09-1998 11-09-1998 21-03-2002 22-09-1998 11-09-1998 23-05-2002 24-10-2000 11-09-1998 20-03-2003 09-01-2003 24-09-2002 09-12-1997 09-12-1997 09-12-1997 27-11-1997 31-03-1999 17-03-1999 07-04-1999 03-07-2001 |

I(.NATIONAL SEARCH REPORT

Information on patent family members

International Application No PCT/US 02/28141

| Patent document cited in search report | | Publication date | | Patent family member(s) | . Publication date |
|---|----|------------------|----|----------------------------|--------------------|
| US 6398773 | B1 | | US | 6312407 B1 | 06-11-2001 |
| | | | US | 2002091407 Al | 11-07-2002 |
| | | | US | 6355014 B1 | 12-03-2002 |
| | | | US | 6544276 B1 | 98-94-2993 |
| | | | WO | 9744082 A2 | 27-11-1997 |
| • | | | WO | 9744084 A2 | 27-11-1997 |
| | | | WO | 9744085 A2 | 27-11-1997 |
| | | | US | 6464816 B1 | 15-10-2002 |
| | | | US | 6325777 B1 | 04-12-2001 |
| | | | US | 6325778 B1 | 04-12-2001 |
| | | | US | 6500166 B1 | 31-12-2002 |
| | | | US | 2002065507 Al | 30-05-2002 |
| | | | US | 2002029031 A1 | 07-03-2002 |
| | | | US | 5868705 A | 09-02-1999 |
| | | | US | 6022336 A | 08-02-2000 |
| | | | UŞ | 6270477 B1 | 07-08-2001 |
| | | | US | 6050972 A | 18-04-2000 |
| US 6126635 | A | 03-10-2000 | US | 5462529 A | 31-10-1995 |
| | | | ÁÜ | 7846694 A | 18-04-1995 |
| | | | WO | 9509024 A1 | 06-04-1995 |

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | Complete if Known | | | |
|---|----------------------------|---------------------|-------------|----------------------|-------------|--|--|
| . Sub | ostitute for form 1449A-PT | .О | | Application No. | 09/845,162 | | |
| INEO | DMATION D | Nec | 'I OSLIBE | Filing Date | May 1, 2001 | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | First Named Inventor | WAHR | | |
| SIAIEWENI DI APPLICANI | | | FLICANI | Art Unit | 6763 | | |
| (Use as many sheets as necessary) | | | | Examiner Name | M. Mendez | | |
| Sheet 1 of 2 | | Attorney Docket No. | 891,144-005 | | | | |

| U.S. PATENT DOCUMENTS | | | | | | | | |
|-----------------------|--------------|--|--------------------------------|--|--|--|--|--|
| Examiner Initials* | Cite No.1 | Document No. Number-Kind Code ^{2 (if known)} | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | | |
| | 1. | us-20020177800 | 11/2002 | Bagaoisan | | | | |
| | 2. | us-20040054347 | 03/2004 | Zadno-Azizi | | | | |
| | 3. | us-20040064092 | 04/2004 | Tsugita | | | | |
| - | 4. | us-20040092869 | 05/2004 | Venturelli | | | | |
| | 5. | us-20040127885 | 07/2004 | Barbut | | | | |
| | 6. | us-20040193099 | 09/2004 | MacMahon | | | | |
| | 7. | us-20040260239 | 12/2004 | Kusleika | | | | |
| | 8. | us-5,536,242 | 07/1996 | Willard | | | | |
| | 9. | us-5,779,721 | 07/1998 | Nash | | | | |
| | 10. | us-5,879,361 | 03/1999 | Nash | | | | |
| | 11. | us-5,938,672 | 08/1999 | Nash | | | | |
| | 12. | us-5,997,558 | 12/1999 | Nash | | | | |
| | 13. | us-6,080,170 | 06/2000 | Nash | | | | |
| | 14. | us-6,524,323 | 02/2003 | Nash | | | | |
| | 15. | us-6,569,147 | 05/2003 | Evans | | | | |
| | 16. | us-6,635,029 | 10/2003 | Venturelli | | | | |
| | 17. | us-6,652,546 | 11/2003 | Nash | | | | |
| | 18. | us-6,712,806 | 03/2004 | St. Germain | | | | |
| | 19. | us-6,733,474 | 05/2004 | Kusleika | | | | |
| | 20. | us-6,743,196 | 06/2004 | Barbut | | | | |
| | 21. | us-6,786,888 | 09/2004 | Zadno-Azizi | | | | |
| | 22. | us-6,790,204 | 09/2004 | Zadno-Azizi | | | | |
| | 23. | us-6,805,692 | 10/2004 | Muni | | | | |
| | 24. | us-6,827,701 | 12/2004 | MacMahon | | | | |
| | 25. | us-6,830,577 | 12/2004 | Nash | | | | |
| | 26. | us-6,843,797 | 1/2005 | Nash | | | | |
| | 27. | us-6,905,505 | 06/2005 | Nash | | | | |

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|-----|--------------|------|------------|---|--|
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| | NB1:680535.1 | | Considered | l | |
| - 1 | | | | | |

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emporor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

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Exhibit B

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE or the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| onder die reportent Accessor accessors | | Complete if Known | | | |
|---|---|-------------------|---------|----------------------|-------------|
| Substitute for form 1449A-PTO | | | | Application No. | 09/845,162 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | 001105 | Filing Date | May 1, 2001 |
| | | | | First Named Inventor | WAHR |
| | | | PLICANI | Art Unit | 6763 |
| | | | essary) | Examiner Name | M. Mendez |
| Sheet | 2 | of | 2 | Attorney Docket No. | 891,144-005 |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--|---|--------------------------------|--|--|
| Examiner Initials* | Cite No.1 | Document No. Number-Kind Code ^{2 (if known)} | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | 28. | us-6,936,056 | 08/2005 | Nash | |
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emporor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

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O'Melveny & Myers LLP Newport Beach, California

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| Dennis W. Wahr et al | : |
| Application No. 09/845,162 | : DECISION GRANTING PETITION |
| Filed: May 1, 2001 | : UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. 891,144-005 | • |

This is a decision on the petition, filed May 23, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 20, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3763 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Petitions Examiner Office of Petitions

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The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).